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July 31, 2023

Via ECF

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

*The case is stayed until
9/8/23. The parties should
provide the Court with a
status report at that time.
so ordered.*
7/31/23 JGK/J.G.K.

Re: *Application to Stay Deadlines*
Dedra De La Rosa v. 33 Greene Street Corp. and Acne Corp. 1:22-cv-05205(JGK)(SLC)

Dear Judge Koeltl:

We represent plaintiff Dedra De La Rosa in the above-entitled action. Together with defendants 33 Greene Street Corp. and Acne Corp. we respectfully ask the Court to stay all outstanding deadlines in this action. We make this request because the parties have been engaged in ongoing settlement discussions and have made progress towards resolving their dispute. Should Your Honor grant the requested stay, we also respectfully ask that Your Honor permit the parties to update the Court on a monthly basis as to the status of settlement. The parties make this request so they can focus their efforts on settlement, as opposed to preparing for a trial that they believe is unlikely to be necessary.

By way of background, this action concerns the accessibility of the Defendants' retail premises to plaintiff, a disabled individual who requires a wheelchair for mobility. The parties have already engaged in discovery, exchanged expert reports, conducted a joint site visit at the retail premises, and attended an in-person mediation with a SDNY Mediation Program mediator. Although the mediation did not resolve this matter, thereafter, the parties actively engaged in settlement discussions to build on the progress made at mediation.

While the parties have not reached a settlement-in principle as of yet, they have made substantial progress towards resolving their dispute. To date, the parties have agreed on a set of remediation proposals by which wheelchair access can be provided from the public sidewalk to the interior of the retail premises. Additionally, in anticipation of achieving settlement, the parties have exchanged drafts of a written agreement which contains the proposed material terms of a settlement. So as to assist the parties in bridging the current gaps in their settlement positions, the parties have now committed to engage a third-party neutral at JAMS with experience in disability rights and construction related issues.

As the parties continue to devote their time and efforts toward a negotiated resolution, it is respectfully requested that the Court stay all pending deadlines and permit the parties to file monthly status letters updating the Court as to the status of settlement.

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/
Adam S. Hanski